

## MEETING RECORD

**NAME OF GROUP:** PLANNING COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Wednesday, July 24, 2002, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

**MEMBERS IN ATTENDANCE:** Jon Carlson, Steve Duvall, Gerry Krieser, Roger Larson, Patte Newman, Greg Schwinn, Cecil Steward, Mary Bills-Strand and Tommy Taylor; Mike DeKalb, Ray Hill, Ed Zimmer, Jason Reynolds, Brian Will, Tom Cajka, Jean Walker and Teresa McKinstry of the Planning Department; media and other interested citizens.

**STATED PURPOSE OF MEETING:** Regular Planning Commission Meeting

Chair Greg Schwinn called the meeting to order and requested a motion approving the minutes of the meeting held July 10, 2002. Larson moved to approve the minutes, seconded by Carlson and carried 7-0: Carlson, Larson, Newman, Schwinn, Steward, Bills-Strand and Taylor voting 'yes'; Duvall and Krieser abstaining.

### **CONSENT AGENDA**

#### **PUBLIC HEARING & ADMINISTRATIVE ACTION**

##### **BEFORE PLANNING COMMISSION:**

July 24, 2002

Members present: Carlson, Duvall, Krieser, Larson, Newman, Schwinn, Steward, Bills-Strand and Taylor.

The Consent Agenda consisted of the following items: **SPECIAL PERMIT NO. 450N; SPECIAL PERMIT NO. 1979; SPECIAL PERMIT NO. 1980; FINAL PLAT NO. 02021, THE PRESERVE ON ANTELOPE CREEK 1<sup>ST</sup> ADDITION; FINAL PLAT NO. 02022, ASHLEY HEIGHTS 1<sup>ST</sup> ADDITION; WAIVER OF DESIGN STANDARDS NO. 02011; and STREET AND ALLEY VACATION NO. 02008.**

**Item No. 1.1, Special Permit No. 450N; Item No. 1.2, Special Permit No. 1979; Item No. 1.5, Final Plat No. 02022; and Item No. 1.6, Waiver of Design Standards No. 02011,** were removed from the Consent Agenda and scheduled for separate public hearing.

Newman moved to approve the remaining Consent Agenda, seconded by Steward and carried 9-0: Carlson, Duvall, Krieser, Larson, Newman, Schwinn, Steward, Bills-Strand and Taylor voting 'yes'.

Note: This is final action on The Preserve on Antelope Creek 1<sup>st</sup> Addition Final Plat No. 02021, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days following the action by the Planning Commission.

**SPECIAL PERMIT NO. 450N**

**TO ADD 4 FAMILY HOUSING UNITS AND PARKING**

**ON PROPERTY GENERALLY LOCATED**

**AT SO. 52<sup>ND</sup> AND SOUTH STREET.**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

July 24, 2002

Members present: Carlson, Newman, Steward, Bills-Strand, Larson, Krieser, Duvall, Taylor and Schwinn.

Staff recommendation: Conditional approval, as revised on July 22, 2002.

This application was removed from the Consent Agenda and had separate public hearing due to the revised application and staff report.

**Proponents**

**1. Scott Sullivan**, architect for the applicant, explained the change that took place from the original application, i.e. one of four structures proposed was going to be a 3-bedroom unit and instead it became a 4-bedroom unit because other provisions have been made for the priest to live in another building. These units are for family visiting patients in the hospital. In other words, providing on-site residence for visitors instead of a motel.

There was no testimony in opposition.

Public hearing was closed.

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

July 24, 2002

Larson moved to approve the staff recommendation of conditional approval, as revised, seconded by Bills-Strand and carried 9-0: Carlson, Newman, Steward, Bills-Strand, Larson, Krieser, Duvall, Taylor and Schwinn voting 'yes'.

Note: This is final action, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.

**SPECIAL PERMIT NO. 1979**  
**FOR A BROADCAST TOWER**  
**ON PROPERTY GENERALLY LOCATED**  
**AT S.W. 12<sup>TH</sup> STREET AND WEST "O" STREET.**  
**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

July 24, 2002

Members present: Carlson, Newman, Steward, Bills-Strand, Larson, Krieser, Duvall, Taylor and Schwinn.

Staff recommendation: Conditional approval.

This application was removed from the Consent Agenda and had separate public hearing due to a letter received in opposition.

Brian Will of Planning staff submitted a letter in opposition from Ron Sisel.

Proponents

1. **Steve Clymer** of Olsson Associates appeared on behalf of the **Burlington Northern Santa Fe Railroad**, the applicant. This is an application for a 143' broadcast/microwave tower. This application has been reviewed and approved by the Nebraska Capitol Environs Commission. This application also seeks a waiver of the landscaping. This site is completely within the center of the Hobson Railroad yard and landscaping should not be required.

2. **Rob Strommen**, who has been the lead engineer for the applicant in replacing about an 800 mile microwave system from Galesburg, Illinois, to Alliance, Nebraska, testified on behalf of the applicant. The purpose of this application is part of an update of radios and infrastructure to bring the facilities up to date. The Lincoln site is a three-way system, which then heads south to Kansas City. This will be a major node and will be the hub for this system. This facility is being built to locate on railroad property. This location was selected for a variety of reasons, from cable access to accessibility for crews. It allows the engineering criteria to meet the railroad's very strict standards. This system provides complete safety dispatching and signaling for all trains for the surrounding five-state region.

Steward sought confirmation that this is strictly a microwave tower and that it will not have lights. Strommen responded that the 140' height is well out of range of the airport. It will not be painted and will not be lighted. There will also be no ground lighting attached to the tower.

Opposition

1. **Ron Sisel**, resident of the Lakeview neighborhood, testified in opposition on behalf of his property rights and the property rights of his neighbors for the peaceful use of their private

property. His issue is light pollution from the railroad yard lights. He showed a zoning map of Capitol Beach and the railroad yards. There are over 12 lights that cause a problem for the neighborhood. He showed photographs taken of the properties at Brookside Drive and West "P" Street, demonstrating the glare from lights. He also showed photographs of what the railroad lights do to his trees. This is strictly from railroad overspill. This overspill could be remedied by a 30 degree downward adjustment of the 4 north side lights on each of the 12 towers and the attachment of "eyebrow" hoods. He also showed photographs of the stars that are washed out by the overspill of business lighting. Sisel requested that these changes to the lighting in the railroad yard be made at this time because there are no existing lighting codes beyond parking lots and recreational fields.

Response by the Applicant

**Gary Bunce**, the manager of the telecommunication systems for the applicant, is responsible for this project. He stated that he checked today on the status of Mr. Sisel's request that had been previously submitted to the railroad. His request has been placed with the electrical engineering group for the railroad and forwarded to the engineering group at a higher level. At this time it is still under consideration. It has not been dropped.

Newman inquired whether the applicant has encountered these lighting problems in other communities. Bunce was not aware of any others, but he is a telecommunications engineer rather than electrical engineer.

Staff questions

Carlson inquired as to any code requirements to cover this lighting issue. Brian Will of Planning staff stated that there is nothing in the code relative to the lights being discussed. They are in compliance with the code as they exist today.

Carlson wondered whether there are portions of the new Comprehensive Plan which might call for investigation of this issue. Mike DeKalb, Interim Director of Planning, advised that the current code only applies to recreational lighting and parking lots. The Comprehensive Plan does include language on investigating light pollution and glare, and he anticipates that this would be considered during the update of the regulations.

Public hearing was closed.

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

July 24, 2002

Bills-Strand made a motion to approve the staff recommendation of conditional approval, seconded by Larson.

Steward believes Mr. Sisel makes an excellent pertinent point, but not particularly pertinent to this application. This is not the first time that we have had light pollution issues come before the Commission and he would suggest that Mr. Sisel and others in the community which are concerned, as well as professionally qualified on the source of light pollution, put their energies toward helping the Commission with some code revisions at some point in the future because it will become an even greater issue as the community continues to grow.

Schwinn also thanked Mr. Sisel for leading the charge on this and keeping it in the minds of the Commissioners.

Motion for conditional approval carried 9-0: Carlson, Newman, Steward, Bills-Strand, Larson, Krieser, Duvall, Taylor and Schwinn voting 'yes'.

**FINAL PLAT NO. 02022**  
**ASHLEY HEIGHTS 1<sup>ST</sup> ADDITION**  
**ON PROPERTY GENERALLY LOCATED**  
**AT N.W. 43<sup>RD</sup> STREET AND W. HUNTINGTON AVENUE.**  
**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

July 24, 2002

Members present: Carlson, Newman, Steward, Bills-Strand, Larson, Krieser, Duvall, Taylor and Schwinn.

Staff recommendation: Approval.

This application was removed from the Consent Agenda and had public hearing at the request of the Planning staff.

Ray Hill of the Planning staff advised the Commission that during review by City Law Department, there were some typographical errors found in the legal description and the escrow security agreement had some errors. The staff requested that this final plat be placed on pending until the necessary corrections have been made.

Steward moved to place on pending, seconded by Carlson and carried 9-0: Carlson, Newman, Steward, Bills-Strand, Larson, Krieser, Duvall, Taylor and Schwinn voting 'yes'.

Steve Clymer of Olsson Associates, appeared on behalf of the applicant and agreed to make the corrections.

**WAIVER OF DESIGN STANDARDS NO. 02011**  
**TO WAIVE PAVING ON PROPERTY GENERALLY**  
**LOCATED AT W. ROKEBY ROAD AND S.W. 12<sup>TH</sup> STREET.**  
**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

July 24, 2002

Members present: Carlson, Newman, Steward, Bills-Strand, Larson, Krieser, Duvall, Taylor and Schwinn.

Staff recommendation: Conditional approval.

This application was removed from the Consent Agenda and had public hearing due to a letter received in opposition from Shawn Farrar.

Proponents

1. **Dan Kubr**, owner of Vantage Pointe Homes, presented the application. Vantage Pointe Homes is an off-site home building company that has been established on some rural industrial zoned land (which is what is needed in order to operate this business). The product is quite large. Kubr acknowledged that he probably will only be able to operate at this location until the city grows to there. He has struggled over the last few years to clean up an old grain bin site that was pretty unsightly. Because of the type and size of the product, they are always upgrading. A great deal of paving would be a hardship because it would create a tear-out problem as the company expands and perfects the business.

There was no testimony in opposition.

Public hearing was closed.

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

July 24, 2002

Duvall moved to approve the staff recommendation of conditional approval, seconded by Carlson.

Duvall believes that the applicant runs a good business. It is an old co-op that he is rehabbing and expanding. It requires a lot of footprint to get these things done.

Motion for conditional approval carried 9-0: Carlson, Newman, Steward, Bills-Strand, Larson, Krieser, Duvall, Taylor and Schwinn voting 'yes'.

**CHANGE OF ZONE NO. 74HP  
TO DESIGNATE A LANDMARK DISTRICT  
ON PROPERTY GENERALLY LOCATED  
BETWEEN HOLDREGE STREET ON THE NORTH,  
IDYLVILD DRIVE ON THE WEST, APPLE STREET  
ON THE SOUTH AND NO. 40<sup>TH</sup> STREET ON THE EAST.  
PUBLIC HEARING BEFORE PLANNING COMMISSION:**

July 24, 2002

Members present: Carlson, Newman, Steward, Bills-Strand, Larson, Krieser, Duvall, Taylor and Schwinn.

Staff recommendation: Approval.

Proponents

**1. Ed Zimmer, Historic Preservation Planner** in the Planning Department, presented the application. There are 177 properties involved in this district. He showed photographs of several of the properties. In the early 20<sup>th</sup> century, this area was agriculture land south of the experimental farm of the University, and one of the historic uses was the Woods Brothers stallion farm housing the animals before they shipped them on. The area is characterized by very long blocks from Holdrege down to Apple, nearly four blocks in length. The area began to be subdivided early in the 20<sup>th</sup> century, mostly by people associated with the University campus. The proposed district identifies an area of 48 acres, including 177 properties, 171 of which are regarded as contributing to the historic character of the area (this is a very high percentage for a landmark district). Many of the houses were occupied by professors associated with East Campus. There was continuous construction through the 1950's, terminating about 1955. There are some nice quality compatible houses in the district. The Historic Preservation Commission recommended unanimously that this district be recommended for approval to the City Council.

Steward referred to the commercial property adjacent on the south side of Holdrege Street. He believes there is a distinct historic condition of that commerce and he wondered if there was any consideration of that property in this process. Zimmer stated that while these boundaries are adjacent to the original Valentino's (which he does regard as a significant historic site in Lincoln), the building has grown, expanded and has been altered over the years so it lacks historic integrity in the particular fabric of the building. The properties flanking Idylwild at Holdrege have been included in the proposed district because it is a key entry point to the residential area, but the Valentino's restaurant is not included, although it was considered.

Support

1. **Paul Avery Smith**, 4300 X Street, testified in support as President of the **East Campus Community Organization (ECCO)**. The Board members voted unanimously to support pursuit of landmark district status for a portion of the neighborhood. The organizers have accepted ECCO's offer to include updates in the newsletters which are delivered to 900 households. Only one call was received this past year expressing concern from a household that is no longer in the affected area. All other comments have been positive. The ECCO by-laws contain purpose statements directly related to this effort: A) promoting and maintaining an organization for the advancement of the concepts of low-density residential land use and preservation and enhancement of the aesthetic character of an area within the City of Lincoln; B) Preserving the character and integrity of the East Campus neighborhood; and C) Encouraging pride in the East Campus neighborhood.

Smith went on to state that East Campus, as a whole, is unique with a unique housing mix with a variety of prices. Maintaining the core historic district can only help strengthen, add stability and provide balance to the neighborhood by providing identity and a reference point. As the city continues to grow, the value of the landmark districts enhances the neighborhood's position to attract individuals to commit to established neighborhoods. ECCO applauds the time and effort expended by the individuals who initiated this action and developed the boundaries.

2. **Laura Black**, resident of 1221 No. 37<sup>th</sup>, testified in support. This is a historic neighborhood that the property owners want to celebrate and encourage people to maintain the character of their home as they make improvements and modifications. They want to protect the integrity of the neighborhood. As a homeowner, she looks forward to the ECCO neighborhood receiving this designation.

3. **Elizabeth Sterns**, 3832 Orchard Street, testified in support. She has not done any of the work to get this designation, and she supports those who have done the work. It is important to our city and our citizens who are not even yet born. An action such as this is kind of different in that it is not a government mandate. It is the people who live in their homes that say this is important--our home is important and our neighborhood is important. She understands that when the postcards went around there was over 80% approval or acceptance. Some might say this is just symbolic given the nature of the historic district and the restrictions, but she believes that this designation is a symbol of what we believe is good about our community and will have a positive impact on our neighborhood and our city.

4. **Vera Mae Lutz**, 3915 Apple Street, testified in support. She moved to the neighborhood in 1958. This is an inner city neighborhood working to improve the housing. ECCO has discussed and explored this landmark designation for 8-10 years. You have to work to achieve the goal. Mr. Zimmer has conducted two neighborhood tours giving information on



the architecture, history and significance of the dwellings. Several informational meetings have been held; a flyer was delivered to everyone's door for a meeting explaining the parameters of a historic landmark district. There were volunteers who did research on the homes in the neighborhood. Donations were given for the application fee and the printing costs. Volunteers delivered copies of the guidelines to every home in the proposed district. The survey yielded a response of 49% based on a block by block analysis. The boundaries were redrawn to accommodate the wishes of the residents in the neighborhood. Within these redrawn boundaries, 84% of those who responded were supportive; 11% were opposed; 5% had no response. We are proud of our neighborhood and we strive to protect and preserve it.

### Opposition

**1. Kelly Tollefsen**, appeared on behalf of the owners of Lot 1 through 4, inclusive, Paines Subdivision, and the owners of Lot 3, First Addition to Idyl-Wild Place, generally located south of Holdrege Street, north of Starr Street, east of South 35<sup>th</sup> Street and west of Idylwild Drive. Tollefsen requested that these properties be excluded from the proposed landmark district. Tollefsen suggested moving the proposed landmark designation so that the northwest boundary proceeds east along the center line of Starr Street to the point at which it intersects with Starr to the western right-of-way of Idylwild Drive to the centerline of the right-of-way of Holdrege Street. Tollefsen submitted that the exclusion of this property from the designation does not materially impact the requested change. The exclusion will not affect the integrity of the neighborhood.

Steward inquired as to the current use of the B-1 zoned property immediately to the west, which is owned by Tollefsen's clients. Tollefsen advised that it is the parking lot in the Valentino's restaurant area. Steward then observed that beyond that is R-6 zoning and to the south is R-5 zoning with multi-family residences. Tollefsen agreed.

Tollefsen stated that the property requested to be excluded includes a parking lot and a few duplexes but she did not have the specific street addresses. Newman asked if they are historic properties. Tollefsen did not know. Because of the nature of the property with the parking lot and the commercial property to the west, by moving the border slightly to the east, Tollefsen does not believe it would affect the integrity of the landmark designation.

Carlson inquired why Tollefsen is seeking this exclusion. Tollefsen indicated that at this point there is no plan to do anything, but it is a parking lot area and she does not know whether additional repairs or additions to the parking lot will interfere with the landmark designation. For the most part, this is a commercial property which is different than all of the other properties being included. The restrictions on the residential properties would not maybe work so well for the commercial properties. Tollefsen believes they could be limited in the future as to what they can do with the property and also because it is the only commercial

property being included. Carlson suggested that Tollefsen and her clients visit with Ed Zimmer as to the impact of the landmark district.

**Staff questions**

Carlson asked for staff comments. Zimmer referred to p.150 of the agenda—the property requested to be excluded is 1401, 1417 and 1423 Idylwild Drive. These are duplex properties.

Steward asked Zimmer to respond to the net effect of this designation on the future commercial use of those properties requested to be excluded. Zimmer stated that the property requested to be excluded is zoned residential, including the portion on Holdrege that is used as a parking lot. The analysis that was conducted looked first at the historic buildings that are residentially zoned. We do not distinguish by ownership. The guidelines do apply closely to residential property. The reason the parking lot is included is because it is the entryway parcel. What the guidelines are about is discussing the changes in the future that might occur. In terms of day to day maintenance or improvements of the parking lot, we would simply encourage it. There would be no added requirements. The parking lot is legal in its current use and this does not seek to change that but rather have a design review process in place for change in the future.

Steward commented that Idylwild is a 2 ½ block boulevard street and this change being sought would potentially create a new front or would leave available for a different front on that boulevard street for the first entry block. Zimmer explained that if this is designated, the guidelines do not say that that block cannot be changed. It would say that there would be a review discussion before it would change. The guidelines would allow that change to occur with certainty after a waiting period if it were denied. This designation and the guidelines require consultation—not a certain result.

Bills-Strand wondered about expanding the parking lot. Zimmer believes that would come forward as a change of zone or special permit. Bills-Strand then sought confirmation that we are saying the duplexes are historic properties if they remain in the landmark district. Zimmer believes that they are historic properties. The stone duplex has an interesting character of two duplexes facing each other; and they appear reasonably well maintained. The older building south shows more alterations over time, but he has not been through the buildings.

Public hearing was closed.

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

July 24, 2002

Carlson moved approval, seconded by Newman.

Schwinn moved to amend to exclude the properties brought forward by Tollefsen, seconded by Larson. Schwinn pointed out that one of the anchors in that neighborhood (Valentino's) has probably had some concerns about the ability to do what they want to do. He believes that since it is on the very edge of this proposed designation, it would be best to leave it out. This is a neighbor that does not want to be included in the district.

Carlson wondered about a two-week deferral. He believes a fuller conversation between the property owners and Mr. Zimmer might make this situation evaporate. His understanding is that all the designation does is encourage conversation to happen. All it is saying is that if you want to add another building, come in, let us see what it is you're doing and let us talk about it. It is not saying that they can or cannot do it. It encourages the benefit of consultation. If the property owners have not had time to fully investigate, Carlson would prefer to give them an opportunity to understand the impacts and the process instead of moving this forward with the amendment.

Steward indicated that he would vote against the amendment. He believes excluding the properties damages the integrity of the district. Typically it does not make sense to draw a boundary, especially on a boulevard street, with two sides of that street and the front not within the district. It always makes more sense to go to the back of the property line. It creates less conflict in the long run and it presents a more integral entryway and condition for the district. Except for where the park is included, this is the case everywhere else—the lines are being drawn at the rear of the property lines.

Newman agreed with Carlson and Steward. She is hearing that this does not stop this property owner from doing anything he wants to do. She is willing to defer if that would help resolve the issues but she will vote against the amendment.

Bills-Strand believes that because there is some historic value to the duplexes, the designation would make it difficult for Valentino's to do anything with those properties down the road. She will support the amendment.

Steward suggested that if the neighborhood has been at this for 7-8 years, maybe another two weeks wouldn't be a problem.

Steward does not want to assume that the property owner might want to do something that is not in keeping with the historic district. His first question was about the historic importance of the business to the city and the area. They might surprise all of us and want to say they will restore the character so that they can become a part of this district. It is not a given that the commercial interests and historic interest have to be in conflict.

Schwinn withdrew the motion to amend. Carlson withdrew the main motion.

Steward moved to defer action for two weeks, seconded by Carlson and carried 9-0: Carlson, Newman, Steward, Bills-Strand, Larson, Krieser, Duvall, Taylor and Schwinn voting 'yes'.

Public hearing has been closed.

**CHANGE OF ZONE NO. 75HP**  
**FOR A LOCAL LANDMARK DESIGNATION**  
**and**  
**SPECIAL PERMIT NO. 1981**  
**TO ALLOW A DWELLING UNIT FOR DOMESTIC EMPLOY6EE**  
**IN AN ACCORDING BUILDING ON A LANDMARK PROPERTY,**  
**GENERALLY LOCATED AT SOUTH 27<sup>TH</sup> STREET AND SHERIDAN BLVD.**  
**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

July 24, 2002

Members present: Carlson, Newman, Steward, Bills-Strand, Larson, Krieser, Duvall, Taylor and Schwinn.

Staff recommendation: Approval of the landmark designation and conditional approval of the special permit.

Proponents

**1. Katie Harr**, who has worked for applicants for three years, appeared to answer any questions.

**2. Ed Zimmer** of the Planning Department showed photographs of the home and advised that the Historic Preservation Commission has reviewed these applications and recommends approval. The property has had a succession of prominent owners; it has strong architectural characteristics and strong characteristics of early landscape features, including a wall fountain. There is a matching carriage house that originally had an apartment above and it is that apartment which the applicants wish to re-institute use of through the landmark special permit. The permit is conditioned on the residents of the apartment being employed in the upkeep of the property and that the whole premise be regarded as meeting the family definition of the zoning code, with primary family in main house and no more than two unrelated individuals in the apartment.

Harr showed a sketch of the property and demonstrated that the carriage house is shielded from the view of the street and sort of connected to the house by the driveway. It is not the kind of property that could be wisely subdivided. The Sartores have been working on restoring the property for several years. They do not plan to make any exterior changes to the main house or the carriage house in the upcoming years. It is not an apartment that will be rented out to anyone other than someone employed in the upkeep of the property. A couple of people in

the neighborhood have asked for covenants that the property never be subdivided. The Sartores have expressed an intent to go along with the conditions of the permit and perhaps enter into such covenants.

Bills-Strand inquired about the restriction on the tenant of the apartment being “employed in upkeep of the premises”. She believes this prevents the tenant from being a nanny. Zimmer advised that the permit is being brought forward as requested by the applicants. The applicants wanted a restrictive request and this is the specific request that was made. With regard to the neighbors’ concern about subdividing, Schwinn noted that the lot is already subdivided. Zimmer added that the present owners’ feelings about the property are strong and they would like to see it move forward as one parcel. They might take private action as far as the covenants are concerned, but that is separate from what is before the Commission.

Harr added that Joel Sartore did speak with a number of the neighbors and did not encounter any opposition. There are no plans to sell the property anytime soon.

There was no testimony in opposition.

Public hearing was close.

**CHANGE OF ZONE NO. 75HP**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

July 24, 2002

Carlson moved approval, seconded by Newman and carried 9-0: Carlson, Newman, Steward, Bills-Strand, Larson, Krieser, Duvall, Taylor and Schwinn voting ‘yes’.

**SPECIAL PERMIT NO. 1981**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

July 24, 2002

Duvall moved to approve the staff recommendation of conditional approval, seconded by Carlson and carried 9-0: Carlson, Newman, Steward, Bills-Strand, Larson, Krieser, Duvall, Taylor and Schwinn voting ‘yes’

**SPECIAL PERMIT NO. 1629E**

**TO APPROVE A REVISED SITE PLAN AND TO INCREASE  
THE MAXIMUM HEIGHT FOR A CLOCK TOWER STRUCTURE,  
ON PROPERTY GENERALLY LOCATED  
AT SOUTH 27<sup>TH</sup> STREET AND PINE LAKE ROAD.**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

July 24, 2002

Members present: Carlson, Newman, Steward, Bills-Strand, Larson, Krieser, Duvall, Taylor and Schwinn.

Staff recommendation: Conditional approval.

Proponents

1. **Brian Carstens** appeared on behalf of **South Ridge Village and Ridge Development Company**, the applicants. This is a request to amend the special permit to increase the district height from 35' to 50' for a clock tower on the retail building. Carstens showed the scale of the entire building, which is about 660 feet from one end to the other with the clock tower in the middle. The clock tower will be a minimal feature on the building. Behind the proposed retail building are three office buildings that have previously been approved which are permitted to be 45' in height, so the peak of those buildings would be about 50', which would be the same height as the proposed clock tower.

Carstens submitted a motion to amend Condition #1.1.3:

Add a note stating that no pole signs or off-premises signs are permitted. One pole sign shall be permitted along the frontage of Pine Lake Road. A ground sign greater than eight feet in height (but not a pole sign) shall be permitted near the intersection of South 27<sup>th</sup> Street and Pine Lake Road. Additional ground signs shall be permitted in accordance with the regulations of the H-4 zoning district.

This amendment will coincide with the original resolution approved several years ago.

Carlson inquired about the specific signs. Carstens believes it will be something similar to Duteau's. That would be something he would work out with staff.

Opposition

1. **Roger Dys**, 2826 Porter Ridge Road, testified on behalf of the Porter Ridge Townhouse Association. The Association does not oppose the particular change that is before the Commission today; however, he believes it is a considerable change when the height is increased to 50'. The neighborhood is somewhat "skittish" because of the fact that they had all been told what was going to be developed on the property adjacent to their homes and now they are seeing changes take place. Car carriers coming through the neighborhood is a concern. Dys did discuss this with Brian Carstens. When he asked Carstens if this was going to be the end of the changes and the rest of the building would be within the restriction, Carstens' comment was, "I doubt that this is the end—other buildings will bring on new requests". Dys requested that the neighbors be given an opportunity to see this thing in its entirety rather than having this piece-mealed and being handcuffed for future changes because of what is being done today.

Steward noted that the proposal specifically references a 50' clock tower; however, the waiver presumably would be the maximum height implication for anything else on the property. If that interpretation is correct, can we explicitly limit this height waiver to the clock tower? Jason Reynolds of Planning staff agreed that the condition could be revised such that it specifically applies to the clock tower on the primary commercial retail building. Rather than nailing down precisely where the clock tower would be in case the applicant chooses to adjust the location, the condition was left as broad as possible. Steward noted that therein lies the previous comment and concern.

Carlson suggested that Condition #1.1.4 could be changed to allow "a" clock tower not exceeding 50' in height, and amend Condition #2 to a "50' clock tower" (singular instead of plural).

Carlson inquired about the signage. Reynolds explained that when originally approved, the resolution allowed one pole sign along each major street--27<sup>th</sup> and Pine Lake Road--and a ground sign permitted to be greater than 8' in height. The language proposed for Condition #1.1.3 comes straight from the resolution that approved this special permit. One of those pole signs was given up for the benefit of Duteau which leaves the pole sign on Pine Lake Road and the ground sign on the corner of 27<sup>th</sup> and Pine Lake Road. A ground sign in H-4 is permitted to be 100 sq. ft. in area. The amendment permits ground signs for individual businesses. Reynolds advised that staff does not have an objection to the proposed amendment because it is the language that was approved with the original special permit.

Carlson inquired whether Condition #1.1.3, as currently written, would have prevented additional ground signs. Reynolds advised that it would not. It would have only affected pole signs and off-premise signs. The applicant is striking the pole sign and adding the language approved with the original special permit.

### Response

Carstens indicated that he did talk with the neighborhood and could not guarantee that there would not be some setback issue when they get over to the office area. They did have an administrative amendment approved in the middle of January with this layout. The only reason this is coming before the Commission is because of the height of the clock tower. It will be a strong architectural element of the building and he is not opposed to limiting it to one clock tower.

Public hearing was closed.

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

July 24, 2002

Bills-Strand moved to approve the staff recommendation of conditional approval, with the amendment to Condition #1.1.3 as requested by the applicant; an amendment to Condition #1.1.4 to say "a" clock tower; and amendment to Condition #2 to permit "a" 50' tall clock tower (singular), seconded by Duvall and carried 9-0: Carlson, Newman, Steward, Bills-Strand, Larson, Krieser, Duvall, Taylor and Schwinn voting 'yes'.

**WAIVER OF DESIGN STANDARDS NO. 02010  
TO WAIVE STREET PAVING, SIDEWALKS AND  
STREET TREES, ON PROPERTY GENERALLY  
LOCATED AT NO. 36<sup>TH</sup> STREET AND "Q" STREET.  
PUBLIC HEARING BEFORE PLANNING COMMISSION:**

July 24, 2002

Members present: Carlson, Newman, Steward, Bills-Strand, Larson, Krieser, Duvall, Taylor and Schwinn.

Staff recommendation: Denial.

**Proponents**

**1. Gerald Spahn**, the applicant, appeared on behalf of his son, Tom, and daughter-in-law, Cindy. His children own property at 36<sup>th</sup> & "Q". The area of application is pretty obvious and it is divided by a lot line that runs east and west. The applicants are seeking to subdivide the property to make the lot line go north and south. This would leave his son's home on the west side of the property and the large vacant area would then be on the east side. That large vacant area could then be developed or sold.

In requesting the administrative subdivision, they discovered that the ordinance requires that all streets abutting and within a new subdivision shall be paved with curbs and gutters. Spahn understands that the staff is recommending denial based upon the subdivision ordinance requirements. Spahn is requesting the waiver, while recognizing that this does not prevent the city from creating a paving district there in the future. Spahn is not attempting to stop the paving. He understands that it is the policy of the Planning Commission to try to get these roads paved within the city that are not paved at this time. The city also wants sidewalks and Spahn does not have a problem with that. However, the ability to develop or sell the east side of the property is going to either save or hurt the property owners financially. If they can sell the east side, then obviously they will have some money with which to go ahead and pave in front of the house. Otherwise, the city will declare a district and they are going to have to come



up with \$20,000 to pay for the paving, and then they can go ahead and subdivide and sell the property. The only question is the timing. It would be a big benefit if they could go ahead and do the subdivision and have the opportunity to do something with it while waiting for the city to declare a paving district.

Spahn noted that the Housing Authority had approached his son about purchasing the property, but it requires a subdivision and they cannot subdivide until they put in the paving. Spahn pointed out that this would be a hardship for his children and there is no reason why this can't be subdivided without the paving. Spahn did not know the lot sizes. The sidewalks will depend on the pavement and the trees will depend on what is built. They envision a duplex with two driveways going out towards the east. That road has been rock since 1893.

The record consists of a letter in opposition from Wyuka Cemetery. Spahn acknowledged that Wyuka Cemetery is interested in the road being paved, but what they don't tell you is that the Wyuka Cemetery won't pay for the paving. There is probably \$100,000 worth of paving there. Whatever amount of paving is there, the city will have to foot the bill for  $\frac{1}{2}$  plus  $\frac{3}{4}$  of the intersection.

Spahn believes that the staff is somewhat skeptical as to whether Wyuka could be charged for the paving. Paving Unit #108, Block 20, Lots 1 and 2, Ridgeway Addition, is the paving adjacent to the Wyuka Cemetery. That paving was billed to the City.

In summary, Spahn stated that financial relief is the reason they are requesting this waiver. Ray Hill of Planning staff clarified that each one of the present lots is 7,400 sq. ft. (50 x 142) plus it appears they have half of the alley, adding another 400 sq. ft.

Schwinn clarified that half of the alley has already been vacated. The Commission is being asked to waive street trees, sidewalks and paving on "Q" Street. Is there something that says this street is going to be paved? Tom Cajka of the Planning staff is not aware of anything. 36<sup>th</sup> is paved; Q is not paved between 35<sup>th</sup> and 36<sup>th</sup>. The subject property is only  $\frac{1}{2}$  of that block. Cajka believes that Public Works would want to see the whole block paved at one time, possibly through a district. Wyuka is the property owner on the south side of "Q" Street except for one house. This property owner would be responsible for paving the part of "Q" Street that abuts their property; for sidewalks on "Q" and 36<sup>th</sup> Street; and street trees on "Q" and 36<sup>th</sup> (just that which abuts their property). Spahn believes they would have to pay for  $\frac{1}{4}$  of the intersection. Cajka was not sure of that.

Spahn agreed that the sidewalk on 36<sup>th</sup> Street needs to be put in. He would agree to put the sidewalk in on 36<sup>th</sup> Street, but driving across it getting the basement dug, etc., would tear it up.

Cajka explained that the owner is requested to put up a surety for the sidewalks in association with the administrative plat. They have four years to do the improvements after approval of the plat (sidewalks and street trees); they have two years to do the paving.

Carlson commented to the applicant that if they wouldn't subdivide, they wouldn't be required to do any of the improvements. Spahn agreed, but he believes the city will eventually come along and pave it; however, he believes it would be low priority because "Q" Street doesn't lead anywhere.

Newman stated that she did visit the site. There is a fence around Wyuka on the other side and the only way to get into Wyuka is on R Street. You could take 35<sup>th</sup> to R or S to get into Wyuka. The only property this really does impact is the Spahn property.

There was no testimony in opposition.

Buff Baker of Public Works explained the paving district process. If the property is 100' long, even if the city goes in with an assessment district, the property owner would have to pay for half of the paving and the curb. Baker did not know the district costs. If the improvements were built under an Executive Order, the cost would be about \$85 per lineal foot. Sidewalks would be about \$12.60/lineal foot. He did not know the street tree bond amounts. There is nothing in the current CIP showing any improvements in this area through 2005.

Schwinn wondered whether this could be split to waive the street paving but still require the sidewalks and street trees. Baker indicated that Public Works would prefer that they not be split because the grades of the sidewalk are established by the grades of the street. Bills-Strand suggested that the Commission could require the sidewalks on 36<sup>th</sup> Street where the grade is established. Baker concurred.

Cajka suggested that if the Commission is considering deleting the condition for paving, there should be a condition added that the owner will not object to the creation of a district in the future.

Public hearing was closed.

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

July 24, 2002

Steward moved to approve the waiver of street trees and sidewalks on "Q" Street, and the waiver of street paving on "Q" Street, with the condition that the property owner will not object to the creation of a paving district or a sidewalk district in the future. The intent of this motion is that the owner would be required to put in the street trees and sidewalk on 36<sup>th</sup> Street. Motion was seconded by Bills-Strand.

Carlson understands the motivation but he will vote against the motion because the only reason any of this action is taking place is because of the subdivision of the property for sale. It is not anything the city is forcing them to do. The law is a shepherding principle to get those sidewalks put in.

Newman disagreed with Carlson. She believes we have waived these requirements in other areas, such as 2 blocks away from Bryan Hospital where there is a gravel road and no sidewalks and it did have connections. This is an extreme case because it is a corner that goes to nowhere and she believes it is a financial hardship to pay for the whole street.

Motion to waive the paving, street trees and sidewalks on "Q" Street, with the condition that the owner will not object to the creation of a paving assessment district or sidewalk assessment district in the future, carried 8-1: Newman, Steward, Bills-Strand, Larson, Krieser, Duvall, Taylor and Schwinn voting 'yes'; Carlson voting 'no'.

**SPECIAL PERMIT NO. 1961**  
**FOR MATERIAL AND EQUIPMENT STORAGE**  
**ON PROPERTY GENERALLY LOCATED**  
**AT YANKEE HILL ROAD AND CORAL DRIVE.**

**CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:** July 24, 2002

Members present: Carlson, Newman, Steward, Bills-Strand, Larson, Krieser, Duvall, Taylor and Schwinn.

Mike DeKalb of the Planning staff submitted an email from the applicant's attorney requesting that this application be placed on pending.

Bills moved to place on pending, seconded by Duvall and carried 9-0: Carlson, Newman, Steward, Bills-Strand, Larson, Krieser, Duvall, Taylor and Schwinn voting 'yes'.

**PRE-EXISTING SPECIAL PERMIT NO. 27A**  
**TO AMEND THE PARKING LOT CONFIGURATION**  
**ON PROPERTY GENERALLY LOCATED**  
**AT SOUTH 27<sup>TH</sup> STREET AND OLD CHENEY ROAD.**

**CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:** July 24, 2002

Members present: Carlson, Newman, Steward, Bills-Strand, Larson, Krieser, Duvall, Taylor and Schwinn.

Tom Cajka of the Planning staff submitted a letter from Paul and Kelly Winkler in support of this application.

The Clerk advised that the record consists of one letter in opposition, and that the staff recommendation has been revised, deleting Condition #1.1.1.

### Proponents

**1. Dale Radebaugh of Alltel** presented the application. Due to changes in technology, government regulations, business procedures and growth in Lincoln, Alltel has outgrown the existing parking lot at 5707 So. 27<sup>th</sup> and is seeking this change to allow for expansion of the parking lot. The reasons for the need are many. In December of 1974, with completion of the equipment building, virtually no homes or businesses existed south of Old Cheney Road with the exception of The Knolls. In December of 1974, Lincoln had a population of 160,000. The initial coverage of this telephone switch served 6,000 lines and the facility had 10 parking stalls to serve 4 employees. In December, 1974, it was estimated that this station would meet maximum capacity of 20,000 telephone lines by 2004. Today, Lincoln has a population of over 225,000. This is an increase of 65,000. Much of this growth has taken place in south Lincoln served by this facility. Due to this increase in population, this facility now serves 48,000 lines, or 140% over the original 30-year projection, and we are only in our 28<sup>th</sup> year. This facility's equipment role has grown to not only a local telephone switch but also a fiberoptic transport hub. In addition, we now have a cell tower located on the property with two cell providers and potential for more. Furthermore, the 27<sup>th</sup> and Old Cheney facility has become the home of the Lancaster County civil defense siren. There are now 8 full-time employees and 15 other employees that utilize the facility off and on throughout the day. Due to the recent advances over the years, today's communication systems have become more sophisticated and complex. Over the years, traffic has increased at this facility due to the increased development in south Lincoln requiring communication services and the other uses.

Currently, the parking lot overflows parking onto Cindy Drive. Alltel is seeking to amend the permit to expand the existing parking lot from 10 to 23 parking stalls and revised landscaping. It features an access drive in Cindy Drive which will help reduce vehicular traffic on Cindy Drive and 25<sup>th</sup> Street. They are currently prevented from turning left on 26<sup>th</sup>. This access drive was proposed and recommended by the city in 1988.

If this application is not approved, Alltel will be forced to continue to park on Cindy Drive. Newman inquired whether the applicant met with the neighbors. Radebaugh has been in contact with a number of the neighbors; however, he did not call a meeting. Some of the neighbors have called him and they have discussed the issues and he hopes he has put their issues to rest.

Carlson was confused about the training at this facility. Radebaugh believes there is a misconception about training. The only training done at this facility is that which is directly related to the switch in that building, other than the OSHA training. The only training is for the employees that work in that office on how to utilize that switch.

Opposition

**1. Michael Rierden** appeared on behalf of a number of families along Cindy Drive. The original resolution passed back in 1972 allowed for a “telephone equipment facility and parking lot for public utility purposes.” In 1972, that area was corn fields and gravel roads and when the resolution was passed, it said that this use will not be detrimental to the surrounding neighborhood and at that point in time it probably was not. Today, they are surrounded by residential uses. The Commission needs to determine whether this equipment facility has grown beyond what is defined as an “equipment facility” and become something more intense in use and perhaps detrimental to the neighborhood. Have we gone beyond the original intended use?

**2. Sharon Gewain**, 2601 Cindy Drive, testified in opposition to any increase in the Alltel parking or use. The neighbors are in and out of the neighborhood all day. There is displeasure with the significant increase in traffic at this building. When they first purchased the land at 27<sup>th</sup> and Cindy Drive in 1990, the Gewains were told that this was an equipment building, switching station operation, with quiet, low traffic. Currently, there is the original inconspicuous 6' tall brick wall; there are 6 mature 25' pine trees—these trees shield the front of their home from the parking lot lighting which are on until 11:00 p.m. The lights shine outward and any trees shorter than 12-15 feet are too small. The Board of Zoning Appeals Resolution No. 124 provided that this be “a telephone equipment building and parking lot for public utility purposes.....that will not have an adverse effect on adjacent properties”. This is R-1 residential zoning. The land use is an equipment building and is surrounded on three sides by single family housing. Last winter, the neighbors noticed a significant traffic increase with vehicles overflowing up to 9 or more on Cindy Drive. Gewain fails to see how having all of this traffic in front of her home with cars, trucks, trailers, vans and cherry pickers coming and going at the end of the driveway, is not an adverse impact on her property. This application takes away green space, cuts down trees and increases nonresidential traffic toward this neighborhood. Recently, there have only been one or two Alltel vehicles parking on Cindy Drive, but there is no guarantee that expanding the parking will prevent anyone from parking on Cindy Drive.

In addition, it would be advisable if Alltel could have a known contact person that neighbors could call upon in the event of problems or concerns. Gewain requested that the Commission require Alltel to keep to the original intent and purpose as an equipment building and keep the condition not to have an adverse impact on the neighborhood.

**3. Andy Benton**, 5815 So. 25<sup>th</sup> Street, testified in opposition. Alltel is not the company they used to be that everyone knew and loved as Lincoln Telephone. Recently, the neighbors have noticed a significant reduction in the traffic at this location, mostly due to the fact that the neighbors got fed up with how much traffic was there. There were cars parked on both sides of Cindy Drive. He has understood from what he thinks to be a pretty good source that Alltel

has moved some training facilities out of this structure. We used to see cars from other counties and other states parked on this street. We do think they may have expanded the use of this facility beyond what the permit allowed.

Benton believes that this whole contention with Alltel stems from some bigger issues. There is a rather large block bordered between 27<sup>th</sup> and 25<sup>th</sup> and between Old Cheney and Cindy Drive. One night late last year there was a sign on this lot that said "sold". No one had been told that this lot was for sale or that Alltel was contemplating doing anything with it. A person representing himself as a developer sent the neighbors a letter and had a meeting at which they were told about the potential development of 16-17 high density residential properties on this lot, or office buildings and parking spaces. Alltel has been a very poor neighbor; they have not communicated; they have had every opportunity to call a neighborhood meeting. Just about every one of us bought our houses being told that the lot was R-1 and that it would be used for residential. We are opposed to any further increase or use of this property beyond what it presently is. The neighbors are opposed to any training that could be done anywhere else. If they expand the parking lot, the last thing we want to see is cherry picker trucks and utility vehicles parked there at night or on weekends.

In summary, Benton stated that the neighbors would not like to see this facility used for anything other than what was originally allowed. We would hope that the Commission would do what it takes to keep it that way.

Steward inquired as to the status of the potential sale. Benton stated that Alltel won't talk to them. He called the realtor and never got a return phone call. As far as he knows, it is still the property of Alltel, or may be under contract with Marty Fortney of Regal Builders. The neighbors have not had any communication from Alltel. We have asked if the lot is for sale. We would love to buy the lot. We would love to make it into a park.

Bills-Strand inquired of Benton whether it would be beneficial if there was a drive coming out onto Cindy Drive. Would you feel that it was beneficial to have one more exit so that the island is not blocking the Alltel traffic? Benton agreed that the area has grown. When he moved in, Old Cheney was a two-lane road. He believes the City has asked for a turn lane that would be installed between 25<sup>th</sup> and 27<sup>th</sup> Street to go south. He believes that will help. In the meantime, he recognizes that Alltel has access issues, but he also has access issues. That's part of progress and part of growth.

**4. Don and Doris Damkroger**, 2521 Cindy Drive, testified in opposition. Their property is across from the vacant lot. They built there in 1989, and the plan was that there could be lots for homes. They tried to purchase those lots. They also agreed with the previous testimony in opposition.

**5. Vicki Shank**, 5800 So. 25<sup>th</sup>, testified in opposition. She had not intended to speak, but she agrees with the opposition. That property is used by the entire neighborhood as a park and it would be terrible to have anything else happen to it.

**6. Ena Vandermeen** (sp), testified in opposition. Alltel talks about this facility being used as a switching station with occasional training. This is hard to understand because quite often there have been cars from many other states. She believes it is being used as a training facility for wider purposes.

Response by the Applicant

Radebaugh pointed out that the resolution specifically states: “to permit the construction of a telephone equipment building and parking lot for public utility purposes, as outlined in the application. ....its approval will not have an adverse effect on adjacent properties”. This resolution refers to the application. The application requested to use the premises shown on the attached drawings for a telephone equipment building on the grounds; that said exception (Board of Zoning Appeals) is to permit the use of the premises for public utility purposes reasonably necessary for the public convenience and welfare. Radebaugh submitted that the special use permit is written in broad terms. It is written to allow Alltel

the flexibility to meet the needs of the customers as technology, government regulations and business procedures change with growth. Alltel believes that it does meet all of the special use permit requirements.

With regard to the trees, Radebaugh acknowledged that they will be removing 11 trees and replacing them with 12 trees, which will be closer to the street and will provide additional screening.

With regard to sale of the property, Radebaugh advised that the sale of the property and expansion of the parking lot are two separate issues. Regarding the sale of the property, there is a contract that Alltel is trying to abide by. What the future property owner does with that property is not anything Alltel can control. Alltel is not seeking to change the zoning from R-1; however, the future owner may seek to change that zoning.

Steward inquired as to how much of the property is involved in the sale contract. Radebaugh indicated it to be “about half”. Steward asked whether Alltel has looked at alternatives for this drive coming from Old Cheney. Radebaugh stated that Alltel was told back in 1988 when 27<sup>th</sup> was widened that there would be a median there and they would not allow Alltel a cut. Alltel was told that they would have to go around the block to get on Old Cheney Road or go north on 27<sup>th</sup>.

Jim Bartunek of Alltel Communications added that the primary intent of this application was in response to the neighborhood request that we do something about the parking of the Alltel vehicles along Cindy Drive. We looked at different alternatives. The first design encroached into the front yard setback along Cindy Drive. We redesigned the parking lot to maintain the same number of stalls but stay within the setback requirements.

Bartunek explained that the training that was previously done at the facility primarily dealt with training on the switching equipment at that facility. There are federal requirements for OSHA training that is site specific to equipment that is at that facility. We cannot train them in different locations. Alltel has different training facilities throughout the city. Alltel does not foresee any future training at that facility other than the normal equipment and OSHA training, which lasts 15-30 minutes. The number of stalls requested is so that the overflow parking on Cindy Drive will be mitigated or eliminated. We do not foresee any overnight parking of any of the cherry pickers or line trucks. The norm is that the facility is lit at night with two lights on the back side for security purposes. It is very important that this facility be secure.

With regard to the cars from out of state, Radebaugh submitted that Alltel is a big company with facilities in many states. There are times when one area shuts down and they have excess cars. This site may have absorbed some of those cars and it is possible that some of those out-of-state cars were seen here before they transferred to Lancaster County plates. There are situations when we will have out-of-state vehicles in the parking lot due to emergency situations, etc.

Steward asked staff to explain the preference not to have a curbcut on Old Cheney Road and the staff recommendation that the drive on 27<sup>th</sup> be abandoned. Buff Baker of Public Works explained that the initial report was for the 27<sup>th</sup> Street drive to be eliminated for traffic flow on 27<sup>th</sup> Street. With the size of the parking lot, Cindy Drive could have held those volumes. Old Cheney will not support a drive access with the location of the building as far back from Old Cheney as it is. The location of the driveway to the intersection would shut down Old Cheney Road flow to 27<sup>th</sup> Street. The possibility of a turn lane would be a thought, but with the location and the distance from Old Cheney, it would probably be impractical to have a drive of that dimension to get to it. With the parking lot only holding 23 vehicles, Public Works takes the position that that is not a major influence on a neighborhood. If it was a McDonald's restaurant he could see the impact.

Public hearing was closed.

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:****July 24, 2002**

Steward moved to deny, seconded by Newman.

Steward believes this is a case of lack of sensitivity to the neighborhood. He believes it is without very much foresight planning on the part of the corporation if they indeed have sold part of this property because they've put themselves in a situation where they are now at odds with people on the neighborhood street, when they had two other commercial streets to work from. He is in favor of supporting the neighborhood position and he believes the corporation needs to find another solution.



Bills-Strand believes the plan makes a lot of sense but she is disappointed they didn't attempt to work with the neighborhood more. She thinks it makes more sense to get the traffic out on 27<sup>th</sup>.

Schwinn will vote against the motion because it makes sense to have the parking lot get the cars off the street. This facility has been there since 1972--way before anybody else was there. Our telecommunications have changed and there are a lot more things going on in these buildings than was even foreseen in 1992, let alone 1972. It is a service that the whole city demands. He would rather they park in the parking lot than on the streets.

Motion to deny carried 5-4: Carlson, Newman, Steward, Krieser and Taylor voting 'yes'; Bills-Strand, Larson, Duvall and Schwinn voting 'no'.

Note: This is final action unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.

There being no further business, the meeting was adjourned at 3:50 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on August 7, 2002.